

110TH CONGRESS  
2D SESSION

# S. RES. 655

To improve congressional oversight of the intelligence activities of the United States.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2008

Mr. BOND (for himself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on Rules and Administration

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## RESOLUTION

To improve congressional oversight of the intelligence activities of the United States.

Whereas the Select Committee on Intelligence of the Senate was created by Senate Resolution 400 in the 94th Congress to oversee and make continuing studies of the intelligence activities of the United States;

Whereas Senate Resolution 400 specifically required that the Select Committee on Intelligence be composed of at least two cross-over members, with one such member from each party, from the Committee on Appropriations, the Committee on Armed Services, Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, which would provide such Committees with member insight into intelligence oversight matters;

Whereas the National Commission on Terrorist Attacks Upon the United States (referred to in this Resolution as the “9/11 Commission”) conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation;

Whereas in its final report, the 9/11 Commission found that under the Rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

Whereas in its final report, the 9/11 Commission further found that as long as oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

Whereas in its final report, the 9/11 Commission further found that a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership;

Whereas in its final report, the 9/11 Commission further found that the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed;

Whereas the 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities;

Whereas Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission;

Whereas the Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding fiscal oversight of intelligence have not been implemented;

Whereas, in Senate Resolution 445 in the 108th Congress, the Senate provided for the establishment of a Subcommittee on Intelligence of the Committee on Appropriations and gave it jurisdiction over funding for intelligence matters;

Whereas there remains a need to improve congressional oversight of the intelligence activities of the United States and provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support and leadership; and

Whereas there also remains a need to implement a key 9/11 Commission recommendation to make structural changes within Congress to improve the oversight of intelligence activities and provide vigilant legislative oversight to as-

sure that such activities are in conformity with the Constitution and laws of the United States: Now, therefore, be it

1       *Resolved,*

2       That Senate Resolution 445, 108th Congress, agreed  
3 to October 9, 2004, is amended by striking section 402  
4 and inserting the following:

5       **“SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE AP-**  
6                               **PROPRIATIONS.**

7       “(a) ESTABLISHMENT.—There is established in the  
8 Committee on Appropriations of the Senate a Sub-  
9 committee on Intelligence.

10       “(b) JURISDICTION.—The Subcommittee on Intel-  
11 ligence established under subsection (a) shall have exclu-  
12 sive jurisdiction over all funding for the National Intel-  
13 ligence Program, as defined in section 3(6) of the National  
14 Security Act of 1947 (50 U.S.C. 401(a)(6)).

15       “(c) PROCEDURE.—The Subcommittee on Intel-  
16 ligence established under subsection (a) shall approve for  
17 full committee consideration an annual appropriations bill  
18 for the National Intelligence Program. Upon approval by  
19 such Subcommittee on Intelligence, the annual appropria-  
20 tions bill for the National Intelligence Program shall be  
21 considered by the full Committee on Appropriations of the  
22 Senate, without intervening review by any other sub-  
23 committee. Upon approval by the full Committee on Ap-

1 appropriations, the bill shall then be reported to the Senate  
2 for consideration.

3 “(d) COMPOSITION.—

4 “(1) MEMBERS OF THE SELECT COMMITTEE ON  
5 INTELLIGENCE.—

6 “(A) IN GENERAL.—Members of the Com-  
7 mittee on Appropriations of the Senate who are  
8 also members of the Select Committee on Intel-  
9 ligence of the Senate shall have automatic  
10 membership on the Subcommittee on Intel-  
11 ligence established under subsection (a).

12 “(B) EX OFFICIO MEMBER.—If the Chair-  
13 man or Vice Chairman of the Select Committee  
14 on Intelligence of the Senate is not also a mem-  
15 ber of the Committee on Appropriations of the  
16 Senate, then such Chairman or Vice Chairman  
17 shall serve as an ex officio member of such Sub-  
18 committee on Intelligence.

19 “(2) SUBCOMMITTEE ON DEFENSE APPROPRIA-  
20 TIONS.—The Chairman and Ranking Member of the  
21 Subcommittee on Defense of the Committee on Ap-  
22 propriations of the Senate shall have automatic  
23 membership on such Subcommittee on Intelligence.

24 “(3) CHAIRMAN AND RANKING MEMBER.—The  
25 Chairman and Ranking Member of such Sub-

1 committee on Intelligence shall be selected from  
2 among those members who are both members of the  
3 Committee on Appropriations and the Select Com-  
4 mittee on Intelligence of the Senate.

5 “(4) OTHER ASSIGNMENTS.—Assignment to,  
6 and a role on, such Subcommittee on Intelligence  
7 shall not count against any other committee or sub-  
8 committee role or assignment of any member of the  
9 Committee on Appropriations of the Senate.

10 “(e) STAFF.—

11 “(1) AUTHORITY TO HIRE.—The Chairman and  
12 Ranking Member of the Subcommittee on Intel-  
13 ligence established under subsection (a) shall, in  
14 consultation with the Chairman and Ranking Mem-  
15 ber of the Committee on Appropriations of the Sen-  
16 ate, select, designate, or hire staff for such Sub-  
17 committee.

18 “(2) ACCESS TO CLASSIFIED INFORMATION.—A  
19 member of the staff of such Subcommittee on Intel-  
20 ligence may not be given access to classified infor-  
21 mation by such Subcommittee unless such staff  
22 member has received an appropriate security clear-  
23 ance, as determined by such Subcommittee in con-

- 1 sultation with the Director of National Intel-
- 2 ligence.”.

